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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/654,007

09/04/2003

Frank Niklaus

1510-1064

4574

466

7590

12/14/2004

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EXAMINER

BEN, LOHA

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/654,007	Applicant(s) NIKLAUS ET AL.	
	Examiner LOHA BEN	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.



Loha Ben
Primary Examiner

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Minor informalities noted

In the Specification

Page 9: line 2, "aluminium" should be – aluminum --; line 4 of third paragraph, numeral "180" is not seen illustrated in the drawings; an line 6 of third paragraph, "a" should be – an --.

In the Claims

In claim 10: line 5, "temporarily" should be deleted, otherwise the phrase "said temporarily intermediate bonding material" has no antecedent basis.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said first and second surfaces" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "said securing" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "said non-sacrificial surface" in line 4. There is insufficient antecedent basis for this limitation in the claim.

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Claim 16 recites the limitation "said non-sacrificial surface" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 25 recites the limitation "the component 120" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 26 recites the limitation "said micromirrors" in lines 2, and 4 and 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 28 recites the limitation "said micro mirrors" in lines 2, and 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 29 recites the limitation "said micro mirrors" in lines 2, and 4 and 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 30 recites the limitation "said micro mirrors" in lines 2, and 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 17: the utilization of the word "e.g." which stands for "for example" renders the claim indefinite. See *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949).

The phrase "for example" is also seen used in claims 26 and 28-30. The latter are also rejected in the same manner as in claim 17.

The remaining claims, depending from rejected base claims, inherit the indefiniteness thereof.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 28 is rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al.

Regarding claim 28, Lee et al teaches a spatial light modulator having a plurality of micro mirror modulating elements (360) made of (gold which is) a high temperature deposited material (see column 5, lines 37-41); and support members electrically and/or mechanically interconnecting the modulating elements to a substrate (310) provided with at least one integrated circuit (320).

Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by Dotzel et al.

Regarding the same claim 28, Dotzel et al teaches a spatial light modulator having a plurality of micro mirror modulating elements (5, or 2 and 10) made of (aluminum which is) a high temperature deposited material; and support members electrically and/or mechanically interconnecting the micro mirror modulating elements to a substrate (15-17) provided with at least one integrated circuit (11, 12).

Claims 26 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Dotzel et al.

For these two claims, all limitations but the material of the micro mirror modulating elements are the same as those in claim 28. For such a material, please refer to column 4, lines 9-14.

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Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loha Ben whose telephone number is (571) 272-2323. The examiner can normally be reached on Monday to Saturday, generally between 12:00 noon and 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps, can be reached on Monday to Friday, at (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 10, 2004



Loha Ben
Primary Examiner